

10:00 A.M. 11/7/2014

No Counsel,

No Hearing:

Fifth and

Sixth

Amendments

Paul Mitchell

All Rights Reserved

The district court also held that the qui tam provisions did not conflict with the Appointments Clause of Article II, section 2, clause 2. It concluded that qui tam relators are most properly classified as agents and not "officers" of the United States. Consequently, they do not have to be appointed in compliance with the dictates of the Appointments Clause.

Finally, the district court held that qui tam relators have standing under Article III of the Constitution. The court did not hold that qui tam relators are personally able to satisfy the standing requirements. Instead, it concluded that qui tam relators have standing based on the alleged injury suffered by the United States. Thus, it embraced an assignment theory of standing and supported its conclusion by emphasizing that the policy considerations underlying the standing doctrine are satisfied in this case.

– U.S. ex rel. Madden v. General Dynamics Corp.,
4 F.3d 827 (9th Cir. 1993) 